

How to use a Motion to Request an Extension of Time to Complete Mediation

Note: Use this form to request additional time to complete mediation if the Court has entered an order for you to complete mediation in your family law case.

These instructions and form may not be right for your case. They can't take the place of advice from a lawyer. Talk to a lawyer if you have **any** questions.

What Words Do I Need to Know?

Motion – a formal request to a judge to make a ruling or take some other action during a lawsuit. A motion does not start a lawsuit.

Petitioner – the person who first asks the Court for a divorce or for a parenting plan. This person is listed first on the caption of any court filings.

Respondent – the other spouse/parent who has responded to the Petitioner's request. This person is listed second on the caption of any court filings.

Order – the decision by the Court on the request in your motion. The Order will usually say "Granted" if the Court gave you what you requested and "Denied" if the Court did not.

Who Can Use These Forms?

You can use these forms if the Court has ordered you and the other parent to complete a mediation by a certain date through referring you to the Family Transition Project, but the mediation will not be complete by the date set by the Court. This Motion lets the Court know you are trying to follow the order and go to mediation, but just want a little more time.

Where Should I File My Motion?

You file your Motion in the clerk's office for the Court where the lawsuit was filed.

How Do I Use These Forms?

1. Fill in the Forms

- On the Motion form, fill in all of the blanks. You can look at earlier filings in the case to get the case number, petitioner, and respondent information. Fill in the

but will just keep the Order inside the court file so the judge can look at it in the future. If the clerk will not lodge the Order, you will need to keep the Order in case there is a hearing. You will need to take the Order with you to the hearing so you can ask to give it to the judge then.

4. Mail or hand deliver your Motion

- On the same day you file with the Clerk of Court, mail or hand deliver a copy of your Motion to each other Petitioner and/or Respondent. It's best to mail the documents on the same date as you put in the "certificate of service" section at the end of the Motion. Mail the documents to the name and address for each party as shown on the court papers filed by each party. The name and address for each party in the lawsuit is usually in the top left-hand corner of the first page of the court paper filed by that party. If the other party has a lawyer, this will be the lawyer's address.
- It is a good idea to have proof that you actually mailed your Motion to each petitioner and any other respondent, or their attorneys. You can get proof by using the United States Postal Service's "Certificate of Mailing." The post office charges more for the Certificate of Mailing than a regular letter. The post office receipt that you get from the post office is your proof that you actually mailed your Motion to the correct address on a certain date. Be sure to keep the post office receipt, and take it with you to your hearing.

5. The Court May Grant the Motion or Hold a Hearing

The Court may grant your Motion by completing and signing the proposed order to give you additional time for mediation. The Court may also choose to hold a hearing on your motion for an extension of time. If the Court decides to have a hearing, the clerk of court will notify you in writing of the date and time of the hearing. Be sure to attend the hearing.

Either way, while you wait to hear what action the Court takes on your Motion, you should try to continue with the mediation process and complete the mediation to see if you can come to an agreement with the other party.

Name: _____

Mailing address: _____
(Street or PO Box)

(City, State Zip Code)

Phone number: _____

MONTANA _____ JUDICIAL DISTRICT COURT, _____ COUNTY

IN RE _____,
(child's initials)

Cause No. _____

_____,

Petitioner,

and

_____,

Respondent.

**MOTION FOR EXTENSION OF
TIME TO COMPLETE MEDIATION**

I, _____, the [] Petitioner or []

Respondent above-named respectfully request that the Court enter an Order that extends the time to complete mediation until _____ [date].

On _____, 20____, the Court ordered the parties to this action to apply to the Montana Family Transition Project for the purposes of receiving free mediation services and legal assistance from an attorney. The Family Transition Project has screened and referred the parties for mediation, but the mediation has not yet been

scheduled and/or completed. The extension of time will give the parties additional time to complete the mediation process.

DATED this ____ day of _____, 20__.

(Your signature)

Certificate of Service

I hereby certify that true and correct copies of the foregoing Motion was served upon the opposing party on the ____ day of _____, 20____ by the method and at the address as indicated below:

Name U.S. mail, first class postage prepaid

Address Hand Delivery

City/State/Zip Code

DATED this ____ day of _____, 20__.

(Your signature)

MONTANA _____ JUDICIAL DISTRICT COURT, _____ COUNTY

IN RE _____,
(the child's initials):

Cause No. _____

[Proposed] ORDER

_____,

Petitioner,

and

_____,

Respondent.

Having considered the [] Petitioner's [] Respondent's Motion for an Extension of Time to Complete Mediation and good cause appearing, it is hereby ordered that the motion for extension of time is GRANTED. The parties shall have until _____, 20__ to complete mediation through the Family Transition Project.

DATED this _____ day of _____, 20__.

District Court Judge

cc:

(Print name of Petitioner)

(Print name of Respondent)